

Message Text

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42

ACTION NEA-10

INFO OCT-01 EUR-12 EA-07 IO-10 ISO-00 OMB-01 INRE-00 SSO-00

NSCE-00 USIE-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 AID-05

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 1302

INFO UOEMBASSY COLOMBO

AMEMBASSY DACCA

AMEMBASSY ISLAMABAD

AMEMBASSY KABUL

AMEMBASSY KATHMANDU

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL HONG KONG

AMCONSUL KARACHI WFSROT

J CONSUL MADRAS 2899

CINCPAC

USLO PEKING

USMISSION USUN NY

C O N F I D E N T I A L NEW DELHI 12698

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PINT, IN

SUBJECT: SUPREME COURT EXTENDS HEARING

1. THE FIVE-MAN SUPREME COURT BENCH LED BY CHIEF JUSTICE RAY
DSIDED SEPTEMBER 19 TO EXTEND ITS HEARING ON THE CONSITUTIONALITY
OF THE 39TH AMENDMENT. THE CHIEF JUSTICE ANNOUNCED THAT THE PUR-
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POSE OF THE EXTENSION IS TO HEAR ARGUMENTS ON THE "MERITS AND

FACTS" OF THE ALLAHABAD COURT CASE ON MRS. GANDHI'S 1971 ELECTION, WHICH SHE LOST IN JULY AND SUBSEQUENTLY APPEALED TO THE SUPREME COURT. THE COURT'S DECISION TO LOOK AT THE CASE SEPARATELY PROBABLY RELATES TO ITS SPECIFIC INTEREST IN CLAUSE 4 OF THE 39TH AMENDMENT. THIS CLAUSE IN EFFECT RETROACTIVELY DISALLOWS ELECTION CASES AGAINST THE PRIME MINISTER.

2. WE ESTIMATE THAT THE HEARING WILL LAST AN ADDITIONAL THREE TO EIGHT WEEKS.

3. COMMENT: PENDING THE SUPREME COURT'S DECISION, MRS. GANDHI IS UNLIKELY TO PROCEED WITH ANY SIGNIFICANT RELAXATION OF PRESS AND POLITICAL CONTROL. WHATEVER RELAXATION MAY TAKE PLACE IS LIKELY TO BE GRADUAL AND STRESS APPEARANCES.
SCHNEIDER

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TAGS: PINT, IN, (GANDHI, INDIRA)
To: STATE
Type: TE
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